

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MINNESOTA

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IN RE:

Case No: 17-40530

Brandon Yeak,

Debtor(s).

Chapter 13

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**NOTICE OF HEARING ON  
PRE-CONFIRMATION MODIFIED PLAN**

Please take notice that a hearing on the pre-confirmation modified plan filed on August 7, 2017, will be presented to the court for confirmation on September 7, 2017, at 10:30 a.m. at the U.S. Courthouse Courtroom 7 West, 300 S 4<sup>th</sup> Street Minneapolis, MN 55415.

Dated this 7th Day of August 2017.

HELLER & THYEN, P.A.

/e/ Robert S. Thyen  
Robert S. Thyen  
Heller & Thyen, P.A.  
606 25<sup>th</sup> Ave S., Suite 110  
St. Cloud, MN 56301  
Telephone: (320) 654-8000

## Form 3015-1 - Chapter 13 Plan

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

## MODIFIED CHAPTER 13 PLAN

In re:

Brandon Lyheing Yeak

Dated: August 7, 2017

DEBTOR

Case No. 17-40530

*In a joint case,  
debtor means debtors in this plan.*

## 1. DEBTOR'S PAYMENTS TO THE TRUSTEE —

- a. As of the date of this plan, the debtor has paid the trustee \$ 0.00.
- b. After the date of this plan, the debtor will pay the trustee \$ 225.00 per Month for 45 months, beginning within 30 days after the order for relief for a total of \$ 10,125.00. The minimum plan payment length is X 36 or 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee
- d. The debtor will pay the trustee a total of \$ 10,125.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proof of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 1,012.50, [line 1(d) x .10].

## 3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] — The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
<b>-NONE-</b>	\$		\$
a. TOTAL			<b>0.00</b>

## 4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] — The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
a. Sprint	Cellphone contract

## 5. CLAIMS NOT IN DEFAULT — Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Property
a. Snap-on Credit Llc	Tools \$3500 Tool Box \$500 Air compressor- On Loan

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
<b>-NONE-</b>	\$	\$			\$
a. TOTAL					<b>0.00</b>

7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay for the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate.

Creditor	Amount of Default	Int. rate (if applicable)	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
<b>-NONE-</b>	\$	\$				\$
a. TOTAL						<b>0.00</b>

8. **OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS** [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

	<i>Creditor</i>	<i>Claim Amount</i>	<i>Secured Claim</i>	<i>Int. Rate</i>	<i>Beg. in Mo. #</i>	<i>(Monthly Pmnts)</i>	<i>(No. of Pmnts)</i>	<i>=</i>	<i>Pmnts on Account of Claim</i>	<i>+</i>	<i>(Adq. Prot. from ¶ 3)</i>	<i>=</i>	<i>TOTAL PAYMENTS</i>
a.	<b>Freedom Road Financial</b>	\$ 1,588.97	\$ 1,588.97	4.5	15	\$ 170.95	10	\$ 1,709.46	\$ 0.00			\$ 1,709.46	
b.	<b>TOTAL</b>											\$ 1,709.46	

9. **PRIORITY CLAIMS** — The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <b>Attorney Fees</b>	\$ 3,000.00	\$ 200.00	1	15	\$ 3,000.00
b. <b>IRS</b>	\$ 242.35	\$ Pro Rata			\$ 242.35
c. <b>MN Department Of Revenue</b>	\$ 1.00	\$ 1.00	24	1	\$ 1.00
d. <b>TOTAL</b>					\$ 3,243.35

10. **SEPARATE CLASSES OF UNSECURED CREDITORS** — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: -NONE-. The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

Creditor	Interest Rate (if any)	Claim Amount	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
a. <b>-NONE-</b>						\$ 0.00
b. <b>TOTAL</b>						\$ 0.00

11. **TIMELY FILED UNSECURED CREDITORS** — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$ 4,159.69 [line 1(d) minus lines 2, 6(a), 7(a), 8(a), 9(d) and 10(a)].

- The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$ 0.00.
- The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$ 41,506.00.
- Total estimated unsecured claims are \$ 41,506.00 [line 11(a) + line 11(b)].

12. **TARDILY-FILED UNSECURED CREDITORS** — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10 or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. **OTHER PROVISIONS** —

The debtor(s) shall send the Trustee each year during the Chapter 13 Plan copies of her federal and state income tax returns at the time they are filed. The debtor(s) shall also promptly report to the Trustee the receipt of any state and federal tax refunds for the duration of this Chapter 13 case. Individual debtors shall be entitled to retain the first \$1,200 of refunds and joint debtors shall be entitled to retain the first \$2,000 of refunds plus any earned income credit (EIC) plus any Minnesota Working Family credit. Any remaining amounts shall be turned over to the Chapter 13 plan as additional plan payment.

Pursuant to 11 U.S.C. Section 1305, a proof of claim may be filed by the Internal Revenue Service for a claim attributable to the taxable year in which the case concerning such debtor(s) was filed. The trustee shall pay the claim, but only to the extent funds are available.

As to the claims dealt with in paragraphs 5, 6, 7, and 8, as well as any purchase money security interests, in the event of the surrender, foreclosure, repossession, or return of the collateral to the creditor for any reason, the balance of the claim, if any, will be paid as an unsecured claim, discharged by the discharge granted pursuant to 11 USC 1328.

The debtor(s) shall not oppose any creditor claiming a purchase money security interest in and to household furnishings, from availing itself of its legal remedies under the Bankruptcy Code, namely, the submission of an application for relief from stay under 11 U.S.C. Sec. 362. Upon appropriate court order regarding relief from the automatic stay provisions of 11 U.S.C. Sec. 362, the debtor shall not oppose a creditor from availing itself of any

applicable state law remedies it believes are available for purposes of reclaiming the household furnishings. Upon appropriate order from the Hennepin County Court, the debtor(s) shall surrender the household furnishings to a creditor in compliance with such Hennepin County Court Order, if any.

This is a § 1306 plan. Any pre- and post-petition property of the debtor will remain property of the bankruptcy estate until conversion, dismissal or completion of the plan payments. This includes any post-petition earnings of the debtor.

This plan is intended to pay claims for years which ended before the petition filed under 11 U.S.C. § 502(i).

**14. SUMMARY OF PAYMENTS —**

Trustee's Fee [Line 2]	\$	<b>1,012.50</b>
Home Mortgage Defaults [Line 6(a)]	\$	<b>0.00</b>
Claims in Default [Line 7(a)]	\$	<b>0.00</b>
Other Secured Claims [Line 8(b)]	\$	<b>1,709.46</b>
Priority Claims [Line 9(d)]	\$	<b>3,243.35</b>
Separate Classes [Line 10(a)]	\$	<b>0.00</b>
Unsecured Creditors [Line 11]	\$	<b>4,159.69</b>
<b>TOTAL [must equal Line 1(d)]</b>	<b>\$</b>	<b>10,125.00</b>

*Insert Name, Address, Telephone and License Number of Debtor's Attorney:*

**Robert Thyen**  
**Heller & Thyen, P.A.**  
**606 25th Avenue South, Suite 110**  
**St. Cloud, MN 56301**  
**320-654-8000**  
**032288X**

Signed /s/ Brandon Lyheing Yeak  
**Brandon Lyheing Yeak**  
DEBTOR

REVISED 12/15

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re  
Brandon Lyheing Yeak  
Debtor(s).

Case No. 17-40530


**SIGNATURE DECLARATION**

- ☐ PETITION, SCHEDULES & STATEMENTS  
☐ CHAPTER 13 PLAN  
☐ VOLUNTARY CONVERSION, SCHEDULES AND STATEMENTS  
☐ AMENDMENT TO PETITION, SCHEDULES & STATEMENTS  
☒ MODIFIED CHAPTER 13 PLAN  
☐ OTHER (PLEASE DESCRIBE: \_\_\_\_\_)

I [We], the undersigned debtor(s) or authorized representative of the debtor, make the following declarations under penalty of perjury:

1. The information I have given my attorney for the electronically filed petition, statements, schedules, amendments, and/or chapter 13 plan, as indicated above, is true and correct;
2. The Social Security Number or Tax Identification Number I have given to my attorney for entry into the court's Case Management/Electronic Case Filing (CM/ECF) system as a part of the electronic commencement of the above-referenced case is true and correct;
3. [Individual debtors only] If no Social Security Number was provided as described in paragraph 2 above, it is because I do not have a Social Security Number;
4. I consent to my attorney electronically filing with the United States Bankruptcy Court my petition, statements and schedules, amendments, and/or chapter 13 plan, as indicated above, together with a scanned image of this Signature Declaration;
5. My electronic signature contained on the documents filed with the Bankruptcy Court has the same effect as if it were my original signature on those documents; and
6. [corporate and partnership debtors only] I have been authorized to file this petition on behalf of the debtor.

Date: 8-7-17

X 	X _____
Signature of Debtor 1 or Authorized Representative	Signature of Debtor 2
Brandon Lyheing Yeak	_____
Printed Name of Debtor 1 or Authorized Representative	Printed Name of Debtor 2

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MINNESOTA

IN RE: BRANDON YEAK

CASE NO: 17-40530

**DECLARATION OF MAILING  
CERTIFICATE OF SERVICE**

Chapter: 13

ECF Docket Reference No.

Judge:

Hearing Location:

Hearing Date:

Hearing Time:

Response Date:

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On 8/7/2017, I did cause a copy of the following documents, described below,

Amended Service Letter,

Pre-Confirmation Hearing Notice and Modified Plan

Signature Declaration

to be served for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

I caused these documents to be served by utilizing the services of BK Attorney Services, LLC d/b/a certificateofservice.com, an Approved Bankruptcy Notice Provider authorized by the United States Courts Administrative Office, pursuant to Fed.R. Bankr.P. 9001(9) and 2002(g)(4). A copy of the declaration of service is attached hereto and incorporated as if fully set forth herein.

DATED: 8/7/2017

/s/ Robert S Thyen

Robert S Thyen 032288X

Heller & Thyen PA

606 25th Avenue S Ste 110

St. Cloud, MN 56301

320 654 8000

jessica@hellerthyen.com

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF MINNESOTA

IN RE: BRANDON YEAK

CASE NO: 17-40530

**CERTIFICATE OF SERVICE  
DECLARATION OF MAILING**

Chapter: 13

ECF Docket Reference No.

Judge:

Hearing Location:

Hearing Date:

Hearing Time:

Response Date:

On 8/7/2017, a copy of the following documents, described below,

Amended Service Letter,

Pre-Confirmation Hearing Notice and Modified Plan

Signature Declaration

were deposited for delivery by the United States Postal Service, via First Class United States Mail, postage prepaid, with sufficient postage thereon to the parties listed on the mailing matrix exhibit, a copy of which is attached hereto and incorporated as if fully set forth herein.

The undersigned does hereby declare under penalty of perjury of the laws of the United States that I have served the above referenced document(s) on the mailing list attached hereto in the manner shown and prepared the Declaration of Certificate of Service and that it is true and correct to the best of my knowledge, information, and belief.

DATED: 8/7/2017



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Jay S. Jump  
BK Attorney Services, LLC  
d/b/a certificateofservice.com, for  
Heller & Thyen PA  
Robert S Thyen  
606 25th Avenue S Ste 110  
St. Cloud, MN 56301

CASE INFO

1 LABEL MATRIX FOR LOCAL NOTICING  
08644  
CASE 17-40530  
DISTRICT OF MINNESOTA  
MINNEAPOLIS  
MON AUG 7 10-37-49 CDT 2017

2 BLOOMINGTON ACURA SUBURU  
7850 LYNDAL AVE S  
BLOOMINGTON MN 55420

EXCLUDE

~~3 MINNEAPOLIS  
301 US COURTHOUSE  
300 SOUTH FOURTH STREET  
MINNEAPOLIS MN 55415-1320~~

4 ACSCLC COLLEGE LOAN C  
501 BLEECKER ST  
UTICA NY 13501-2401

5 COLLEGE LOAN CORP ON BEHALF OF MHEAC  
DBA A  
KEITH COBURN  
MHEAC DBA ASA  
100 CAMBRIDGE STREET SUITE 1600  
BOSTON MA 02114-2518

6 CAPITAL ONE  
PO BOX 30285  
SALT LAKE CITY UT 84130-0285

7 FELHABER LARSON  
220 S 6TH ST STE 2200  
MINNEAPOLIS MN 55402-4504

8 FREEDOM ROAD FINANCIAL  
10509 PROFESSIONAL CIR S  
RENO NV 89521-5864

9 FREEDOMROAD FINANCIAL CO CAPITAL  
RECOVERY G  
BIN 920016  
PO BOX 29426  
PHOENIX AZ 85038-9426

10 IRS  
CENTRALIZED INSOLVENCY  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

11 MN DEPARTMENT OF REVENUE  
COLLECTIONS DIVISION BKY SECT  
PO BOX 64447  
SAINT PAUL MN 55164-0447

12 MIDLAND FUNDING  
2365 NORTHSIDE DRIVE  
SAN DIEGO CA 92108-2709

13 MIDLAND FUNDING LLC  
MIDLAND CREDIT MANAGEMENT INC AS  
AGENT FOR MIDLAND FUNDING LLC  
PO BOX 2011  
WARREN MI 48090-2011

14 PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

15 SHAREPOINT CREDIT UNION  
5300 HYLAND GREENS DRIVE  
BLOOMINGTON MN 55437-3933

16 SHAREPOINT CREDIT UNIO  
750 2ND ST NE STE 200  
HOPKINS MN 55343-8593

17 SNAP ON CREDIT LLC  
950 TECHNOLOGY WAY  
SUITE 301  
LIBERTYVILLE IL 60048-5339

18 SPRINT NEXTEL CORRESPONDENCE  
ATTN BANKRUPTCY DEPT  
PO BOX 7949  
OVERLAND PARK KS 66207-0949

19 US TRUSTEE  
1015 US COURTHOUSE  
300 S 4TH ST  
MINNEAPOLIS MN 55415-3070

20 VERIZON  
BY AMERICAN INFOSOURCE LP AS AGENT  
4515 N SANTA FE AVE  
OKLAHOMA CITY OK 73118-7901

21 VERIZON WIRELESS  
PO BOX 49  
LAKELAND FL 33802-0049

22 WELLS FARGO BANK NA  
PO BOX 10438  
DES MOINES IA 50306-0438

23 WFFNB DUAL L  
PO BOX 94498  
LAS VEGAS NV 89193-4498

DEBTOR

24 BRANDON LYHEING YEAK  
1850 NEVADA AVENUE S  
MINNEAPOLIS MN 55426-2032

25 GREGORY A BURRELL  
100 SOUTH FIFTH STREET  
SUITE 480  
MINNEAPOLIS MN 55402-1250

26 ROBERT S THYEN  
HELLER THYEN PA  
606 25TH AVE SOUTH  
SUITE 110  
ST CLOUD MN 56301-4810